

REMARKS

The Official Action mailed November 21, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on March 29, 2004; April 13, 2004; and May 4, 2005.

Claims 1-3, 5-24 and 31-47 were pending in the present application prior to the above amendment. Independent claims 1-3, 5 and 6 have been amended to better recite the features of the present invention, and new dependent claims 48-52 have been added to recite additional protection to which the Applicants are entitled. Dependent claims 11, 17, 23, 35 and 41 have been withdrawn from consideration by the Examiner; however, the Examiner has indicated that these claims would be allowable upon allowance of the independent claims (page 2, Paper No. 20050607). Accordingly, claims 1-3, 5-10, 12-16, 18-22, 24, 31-34, 36-40 and 42-52 are currently elected, of which claims 1-3, 5 and 6 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

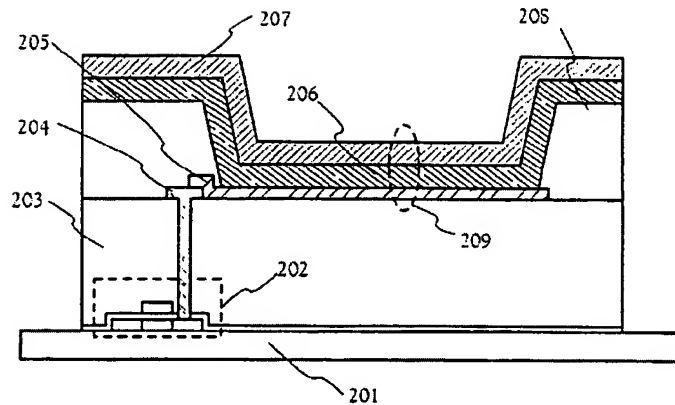
The Official Action rejects claims 1-3, 5-10, 12-16, 18-22, 24, 31-34, 36-40 and 42-47 as obvious based on the combination of Figure 2 of the present specification, which the Official Action refers to as "Applicant's admitted prior art (AAPA)" and JP 11-224781 to Nagayama et al., which the Official Action refers to as "JP '781." The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1-3, 5 and 6 have been amended to recite that an anode has a leveling surface and an insulating film is located over the leveling surface of the anode and an upper surface of a bank. This feature is supported in the present specification, for example, at page 20, line 16, to page 21, line 2. For the reasons provided below, AAPA and JP '781, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action asserts that the "AAPA discloses a light emitting display device ... comprising: a thin film transistor ... on an insulating surface; an interlayer insulating film ... over the thin film transistor; an anode (205; ITO) over the interlayer insulating film; a wiring ... electrically connected to the thin film transistor and the anode; a bank ... over the wiring and a portion of the anode; a light emitting compound organic compound layer ... over the anode and an upper surface of the bank; and a cathode ... over the organic compound layer" (pages 2-3, Paper No. 20051115; Figure 2 reproduced below).

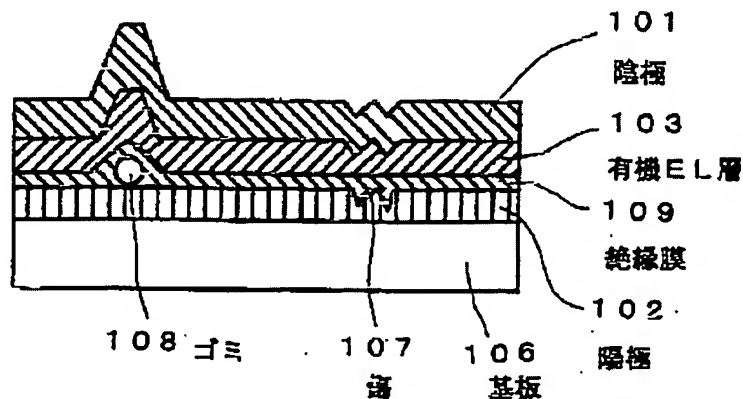


PRIOR ART

FIG. 2

The Official Action concedes that the "AAPA does not expressly disclose that the device can further include a first insulating film between the anode [205] and the organic compound layer [206]" (page 3, *Id.*). The Official Action relies upon JP '781 to allegedly cure this deficiency in the AAPA. The Official Action asserts that "JP '781 teaches to include an insulating film [109] in order to improve the uniformity of the light-emitting compound layer and to reduce leaking current therethrough" (*Id.*; Figure 1 of JP '781 reproduced below).

【図1】



However, AAPA and JP '781, either alone or in combination, do not teach or suggest that insulating film 109 of JP '781 should be located over an upper surface of bank 208 of the AAPA.

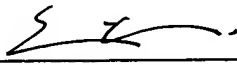
Also, AAPA and JP '781 do not teach or suggest that anode 205 of the AAPA should have a leveling surface and that an insulating film should be located over the leveling surface of the anode and an upper surface of a bank.

Since AAPA and JP '781 do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 48-52 have been added to recite additional protection to which the Applicants are entitled. The features of claims 47-52 are supported by the present specification, for example, at page 20, lines 16-22. For the reasons stated above and already of record, the Applicants respectfully submit that new claims 48-52 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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